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## Letter dated 13 October 2008 from the Permanent Representative of Ireland to the United Nations addressed to the Chairman of the First Committee

I have the honour to transmit to you herewith the Final Document of the Diplomatic Conference for the Adoption of a Convention on Cluster Munitions, held in Dublin from 19 to 30 May 2008 (see enclosure).

As you will be aware, the Diplomatic Conference adopted the Convention on Cluster Munitions on 30 May 2008, and the text is contained in part II of the Final Document. The President of the Conference will report to the First Committee on 21 October 2008.

I would greatly appreciate your assistance in circulating the present letter and its enclosure as a document of the First Committee of the General Assembly under agenda item 89.

(*Signed*) John Paul **Kavanagh**
Permanent Representative

08-54866 (E) 291008

Enclosure to the letter dated 13 October 2008 from the Permanent Representative of Ireland to the United Nations addressed to the Chairman of the First Committee

**DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS**

CCM/78

30 May 2008
Original: ENGLISH

**DUBLIN 19-30 MAY 2008**

# FINAL DOCUMENT

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# PART I

## PROCEDURAL REPORT OF THE DIPLOMATIC CONFERENCE

### I. Introduction

1. At the Oslo Conference on Cluster Munitions (Oslo, 22-23 February 2007), a group of States, the United Nations, the International Committee of the Red Cross, the Cluster Munition Coalition and other humanitarian organisations recognised the grave consequences caused by the use of cluster munitions and the need for immediate action. States participating in the Oslo Conference committed themselves in the Oslo Declaration to:

"1. Conclude by 2008 a legally binding international instrument that will:

i. prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and

ii. establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk education and destruction of stockpiles of prohibited cluster munitions.

2. Consider taking steps at the national level to address these problems.

3. Continue to address the humanitarian challenges posed by cluster munitions within the framework of international humanitarian law and in all relevant fora."

2. Pursuant to the Oslo Declaration, further conferences were held in Peru (Lima, 23-25 May 2007), Austria (Vienna, 5-7 December 2007), and New Zealand (Wellington, 18-22 February 2008) with the objective of addressing effectively the humanitarian problems caused by cluster munitions and to prepare for negotiations at the Dublin Diplomatic Conference.

3. The Declaration adopted at the Wellington Conference on Cluster Munitions, *inter alia*:

"welcome[d] the convening of a Diplomatic Conference by the Government of Ireland in Dublin on 19 May 2008 to negotiate and adopt a legally binding instrument prohibiting cluster munitions that cause unacceptable harm to civilians;

also welcome[d] the important work done by participants engaged in the cluster munitions process on the text of a draft Cluster Munitions Convention, dated January 21 2008, which contains the essential elements identified above and decide[d] to forward it as the basic proposal for consideration at the Dublin Diplomatic Conference, together with other relevant proposals including those contained in the compendium attached to this Declaration and those which may be put forward there;

affirme[d] their objective of concluding the negotiation of such an instrument prohibiting cluster munitions that cause unacceptable harm to civilians in Dublin in May 2008 ..."

4. Conferences in support of the Oslo Process on Cluster Munitions were also held as follows:

- Regional Forum in Southeast Asia (Phnom Penh, Cambodia, 15 March 2007);
- Regional Conference (San José, Costa Rica, 4-5 September 2007);
- Belgrade Conference of the States Affected by Cluster Munitions (Belgrade, Serbia, 3-4 October 2007);
- European Regional Conference on Cluster Munitions (Brussels, Belgium, 20 October 2007);
- Livingstone Conference on Cluster Munitions (Livingstone, Zambia, 31 March - 1 April 2008);
- Latin American and Caribbean Conference on Cluster Munitions (Mexico City, Mexico, 16-17 April 2008).

## II. Organisation and work of the Dublin Diplomatic Conference

5. The Dublin Diplomatic Conference for the Adoption of a Convention on Cluster Munitions was held at Dublin from 19 to 30 May 2008.

6. On 19 May 2008, the Conference was opened by Mr. Colm Ó Floinn, who was designated by the Government of Ireland to serve as Secretary-General of the Diplomatic Conference. The Secretary-General of the Conference was assisted by Mr. Damien Cole as Executive Secretary of the Conference.

7. At the opening ceremony, the Conference was addressed by Mr. Micheál Martin, T.D., Minister for Foreign Affairs of Ireland; Mr. Ad Melkert, United Nations Under-Secretary-General and Associate Administrator of the United Nations Development Programme; Dr. Jakob Kellenberger, President of the International Committee of the Red Cross; and Mr. Branislav Kapetanovic, Cluster Munition Coalition.

8. In addition, Mr. Ban Ki-moon, Secretary-General of the United Nations, addressed the Conference by video message.

9. At its first plenary meeting, on 19 May 2008, the Conference elected by acclamation Ambassador Dáithí O'Ceallaigh, Permanent Representative of Ireland to the United Nations Office at Geneva, as President of the Conference.

10. At the same plenary meeting, the Conference adopted its Agenda (attached at Annex I to this Report) and the Rules of Procedure (attached at Annex II).

11. At the same plenary meeting, on the proposal of the President and pursuant to Rule 7 of the Rules of Procedure, the Conference unanimously elected the following eight Vice-Presidents:

| | |
|---|---|
| Ambassador Najla Riachi Assaker | Lebanon |
| Ambassador Jean-François Dobelle | France |
| Ambassador Juan Eduardo Eguiguren | Chile |
| Ambassador Mohamed Yaha Ould Sidi Haiba | Mauritania |
| Ambassador Steffen Kongstad | Norway |
| Ambassador Pablo Macedo | Mexico |
| Ms. Sheila Mweemba | Zambia |
| Ambassador Sándor Rácz | Hungary |

12. The following 107 States participated in the Conference: Albania, Argentina, Australia, Austria, Bahrain, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, Comoros, Republic of the Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Ghana, Guatemala, Guinea, Guinea-Bissau, Holy See, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Moldova, Montenegro, Morocco, Mozambique, The Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Samoa, San Marino, Sao Tome and Principe, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, Tanzania, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela and Zambia.

13. The following 20 States attended the Conference as observers: Colombia, Cyprus, Egypt, Eritrea, Ethiopia, Greece, Iraq, Kazakhstan, Kuwait, Latvia, Libyan Arab Jamahiriya, Oman, Poland, Romania, Saudi Arabia, Singapore, Thailand, Turkey, Ukraine and Viet Nam.

14. The representatives of the United Nations Children Fund (UNICEF), United Nations Development Programme (UNDP), United Nations High Commissioner for Refugees (UNHCR), United Nations Institute for Disarmament Research (UNIDIR), United Nations Mine Action Service (UNMAS), United Nations Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Office for Disarmament Affairs (UNODA), United Nations Office of Legal Affairs (UNOLA), the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC), the European Commission, the Cluster Munition Coalition and the Geneva International Centre for Humanitarian Demining (GICHD) also attended the Conference as observers.

15. The Conference held plenary meetings and meetings of the Committee of the Whole and considered the draft Convention on Cluster Munitions (document CCM/3), as well as other documents listed in Annex III and attached at Annex IV.

16. The Conference met in plenary on Wednesday 28 May and agreed to adopt the text.

17. The Conference met in plenary again on Friday 30 May at 10.00 am and adopted the text of the Convention on Cluster Munitions as set out in document CCM/77 (attached at Part II of the Final Document).

18. The Conference expressed deep gratitude to the chairpersons and co-chairs of all the conferences that have constituted the Oslo Process, the United Nations, the ICRC and the Cluster Munition Coalition for their efforts that led to the adoption of the Convention on Cluster Munitions.

19. The Conference invited the Secretary-General of the United Nations to prepare authentic Arabic, Chinese and Russian texts of the Convention on Cluster Munitions, as adopted at Dublin on 30 May 2008. Once the authentic Arabic, Chinese and Russian texts are prepared, the Conference agreed that they should be circulated to all States. The original Convention, in the six authentic languages, will be established by the Secretary-General of the United Nations, and the Secretary-General or his representative shall be invited by the Government of Norway to open the Convention for signature in Oslo on 3 December 2008. All costs related to the preparation of the authentic Arabic, Chinese and Russian texts shall be covered by the Government of Ireland.

20. The Conference invited all States to consider their adherence to the Convention on Cluster Munitions as a matter of priority.

21. The Conference adopted this Procedural Report and decided that the President shall report to the next session of the General Assembly of the United Nations on the outcome of the Conference.

# ANNEX I

## AGENDA

(as adopted at the first plenary meeting on 19 May 2008)

**DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS**

CCM/51

19 May 2008
Original: ENGLISH

**DUBLIN 19–30 MAY 2008**

## Agenda

1. Opening of the Conference by the Secretary-General
2. Election of the President
3. Adoption of the Agenda
4. Adoption of the Rules of Procedure
5. Election of Vice-Presidents
6. Organisation of work
7. Convention on Cluster Munitions
8. Closure of Conference

# Annex II

## RULES OF PROCEDURE
(as adopted at the first plenary meeting on 19 May 2008)

**DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS**

CCM/52

19 May 2008
Original: ENGLISH

**DUBLIN 19–30 MAY 2008**

## Rules of Procedure

*19 May 2008*

## DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CLUSTER MUNITIONS CONVENTION

## DUBLIN MAY 2008

## RULES OF PROCEDURE

### CHAPTER I

### Participation

*Rule 1*
*Participation*

1. States that have subscribed to the Wellington Declaration of 22 February 2008, on that date or subsequently, shall be invited to participate in the Conference. Other States that have been invited by the Government of Ireland may attend the Conference as observers.

2. The Secretary-General of the United Nations, the International Committee of the Red Cross, the United Nations Development Programme and other relevant United Nations programmes and agencies, the International Federation of Red Cross and Red Crescent Societies, regional intergovernmental organisations and the Cluster Munition Coalition may attend the Conference as observers.

3. Other organisations that have been invited by the Government of Ireland may attend the Conference as observers.

## CHAPTER II

### Representation and credentials

*Rule 2*
*Composition of delegations*

The delegation of each State participating in the Conference shall consist of a head of delegation and such other accredited representatives, alternate representatives and advisers as may be required.

*Rule 3*
*Alternates and advisers*

The head of delegation may designate an alternate representative or an adviser to act as a representative.

*Rule 4*
*Submission of credentials*

The credentials of representatives and the names of alternate representatives and advisers shall be submitted early to the Executive Secretary of the Conference and, if possible, not later than 24 hours after the opening of the Conference. Any later change in the composition of delegations shall also be submitted to the Executive Secretary. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs. The Executive Secretary shall report to the Conference on the submission of credentials if it so requests.

*Rule 5*

If an objection is raised against the participation of a delegation, such objection shall be considered by the General Committee, whose report thereon shall be submitted to the Conference.

*Rule 6*

Pending a decision of the Conference regarding an objection against the participation of a delegation, the latter shall be entitled to participate provisionally in the Conference with the same rights as other participating delegations.

## CHAPTER III

## Officers

*Rule 7*
*Elections*

The Conference shall elect a President and eight Vice-Presidents. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

*Rule 8*
*General powers of the President*

1. In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall preside at the plenary meetings of the Conference, declare the opening and closing of each such meeting, direct the discussion, ensure observance of these rules, accord the right to speak, promote the achievement of general agreement, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his or her functions, remains under the authority of the Conference.

*Rule 9*
*Acting President*

1. If the President finds it necessary to be absent from a meeting or any part thereof he or she shall designate a Vice-President to take his or her place.

2. A Vice-President acting as President shall have the powers and duties of the President.

*Rule 10*
*Replacement of the President*

If the President is unable to perform his or her functions a new President shall be elected.

*Rule 11*
*Voting rights of the President*

The President, or a Vice-President acting as President, shall not vote in the Conference, but shall appoint another member of his or her delegation to vote in his or her place.

## CHAPTER IV

## General Committee

*Rule 12*
*Composition*

There shall be a General Committee consisting of the President and Vice-Presidents of the Conference. The President, or in his or her absence one of the Vice-Presidents designated by him or her, shall serve as Chairman of the General Committee.

*Rule 13*
*Substitute members*

If the President or a Vice-President finds it necessary to be absent during a meeting of the General Committee, he or she may designate a member of his or her delegation to sit and vote in the Committee.

*Rule 14*
*Functions*

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the coordination of its work. It shall also exercise the powers conferred upon it by rule 36.

## CHAPTER V

## Secretariat

*Rule 15*
*Duties of the Secretary-General*

1. The Secretary-General, designated by the Government of Ireland, shall act in that capacity in all meetings of the Conference and its subsidiary bodies.

2. The Secretary-General may designate a member of the Secretariat to act in his or her place at these meetings.

3. The Secretary-General shall appoint an Executive Secretary of the Conference and shall provide and direct the staff required by the Conference and its subsidiary bodies.

*Rule 16*
*Duties of the secretariat*

The secretariat of the Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Receive, translate, reproduce and distribute the documents of the Conference;

(c) Publish and circulate the official documents of the Conference;

(d) Prepare and circulate records of public meetings;

(e) Make and arrange for the keeping of sound recordings of meetings;

(f) Arrange for the custody and preservation of the documents of the Conference in the archives of the Government of Ireland; and

(g) Generally perform all other work that the Conference may require.

*Rule 17*
*Statements by the secretariat*

The Secretary-General or any other member of the staff of the secretariat who may be designated for that purpose may, at any time, make either oral or written statements concerning any question under consideration.

## CHAPTER VI

## Opening of the Conference

*Rule 18*
*Temporary President*

The Secretary-General shall open the first meeting of the Conference and preside until the Conference has elected its President.

*Rule 19*
*Decisions concerning organisation*

At its first meeting the Conference shall move to:

(a) Elect its President;

(b) Adopt its agenda, the draft of which shall, until such adoption, be the provisional agenda of the Conference;

(c) Adopt its rules of procedure, the draft of which shall, until such adoption, be the provisional rules of procedure of the Conference;

(d) Elect its other officers; and

(e) Decide on the organisation of its work.

## CHAPTER VII

## Conduct of business

*Rule 20*
*Quorum*

The presence of representatives of twenty five participating States shall be required for any decision to be taken.

*Rule 21*
*Speeches*

No one may address the Conference without having previously obtained the permission of the President. Subject to rules 22, 23 and 26 to 28, the President shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall be in charge of drawing up a list of speakers. The President may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

*Rule 22*
*Precedence*

The chairman or an officer of a committee or the representative of a working group may be accorded precedence for the purpose of explaining the conclusions arrived at by that committee or working group.

*Rule 23*
*Points of order*

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

*Rule 24*
*Closing of the list of speakers*

During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed.

*Rule 25*
*Right of reply*

Notwithstanding rule 24, the President may accord the right of reply to any representative who requests it.

*Rule 26*
*Adjournment of debate*

A representative may at any time move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the adjournment, after which the motion shall, subject to rule 29, be put immediately to the vote.

*Rule 27*
*Closure of debate*

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his or her wish to speak. Permission to speak on the motion shall be accorded only to two speakers opposing the closure, after which the motion shall, subject to rule 29, be put immediately to the vote.

*Rule 28*
*Suspension or adjournment of the meeting*

Subject to rule 40, a representative may at any time move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall, subject to rule 29, be put immediately to the vote.

*Rule 29*
*Order of motions*

Subject to rule 23, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

*Rule 30*
*Basic proposal*

The draft Cluster Munitions Convention, dated 21 January 2008, shall constitute the basic proposal for consideration by the Conference.

*Rule 31*
*Other proposals*

Other proposals shall normally be submitted in writing to the Executive Secretary, who shall circulate copies to all delegations. As a general rule, no proposal shall be considered at any meeting of the Conference unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President may, however, permit the consideration of amendments, even though these amendments have not been circulated or have only been circulated on the same day.

*Rule 32*
*Withdrawal of proposals and motions*

A proposal or a motion may be withdrawn by its proposer at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion that has thus been withdrawn may be reintroduced by any representative.

*Rule 33*
*Decisions on competence*

Subject to rules 23 and 29, any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal submitted to it shall be put to the vote before the matter is discussed or a decision is taken on the proposal in question.

*Rule 34*
*Reconsideration of proposals*

When a proposal has been adopted or rejected it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put immediately to the vote.

*Rule 35*
*Invitation to Technical Advisers*

The Conference may invite to one or more of its meetings any person whose technical advice it considers useful for its work.

## CHAPTER VIII

## Decision-Making

*Rule 36*
*General agreement*

1. The Conference shall make its best endeavours to ensure that the work of the Conference is accomplished by general agreement.

2. If, in the consideration of any matter of substance, all feasible efforts to reach general agreement have failed, the President of the Conference shall consult the General Committee and recommend the steps to be taken, which may include the matter being put to the vote.

*Rule 37*
*Voting rights*

Each State participating in the Conference shall have one vote.

*Rule 38*
*Majority required*

1. Subject to rule 36, decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Decisions of the Conference on matters of procedure shall be taken by a majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the representatives present and voting.

4. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

*Rule 39*
*Meaning of the expression "representatives present and voting"*

For the purpose of these rules, the phrase "representatives present and voting" means representatives present and casting an affirmative or negative vote. Representatives who abstain from voting shall be considered as not voting.

*Rule 40*
*Method of voting*

Except as provided in rule 47, the Conference shall normally vote by show of hands or by standing, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The name of each State shall be called in all roll-calls and its representative shall reply "yes", "no" or "abstention".

*Rule 41*
*Conduct during voting*

The President shall announce the commencement of voting, after which no representative shall be permitted to intervene until the result of the vote has been announced, except on a point of order in connection with the process of voting.

*Rule 42*
*Explanation of vote*

Representatives may make brief statements, consisting solely of explanations of their votes, before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

*Rule 43*
*Division of proposals*

A representative may move that parts of a proposal be decided on separately. If a representative objects, a decision shall be taken on the motion for division. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the Conference for decision as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

*Rule 44*
*Amendments*

1. A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal.

2. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

*Rule 45*
*Decisions on amendments*

When an amendment is moved to a proposal, the amendment shall be decided on first. When two or more amendments are moved to a proposal, the Conference shall first decide on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been decided on. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to a decision. If one or more amendments are adopted, a decision shall then be taken on the amended proposal.

*Rule 46*
*Decisions on proposals*

1. If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, decide on the proposals in the order in which they were submitted. The Conference may, after each decision on a proposal, decide whether to take a decision on the next proposal.

2. Revised proposals shall be decided on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall be put to a decision before a decision is taken on the proposal in question.

*Rule 47*
*Elections*

All elections shall be held by secret ballot unless otherwise decided by the Conference.

*Rule 48*
*Elections — one elective place to be filled*

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the representatives present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the preceding paragraph.

*Rule 49*
*Elections — two or more elective places to be filled*

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes of the representatives present and voting and the largest number of votes shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to candidates who obtained the greatest number of votes in the third unrestricted ballot, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

## CHAPTER IX

## Subsidiary Bodies

*Rule 50*
*Committee of the Whole*

The Conference shall establish a Committee of the Whole, the Chairman of which shall be the President of the Conference. If the Chairman finds it necessary to be absent from a meeting of

the Committee or any part thereof he shall designate a Vice-President of the Conference to take his or her place.

*Rule 51*
*Other Subsidiary Bodies*

The Conference may establish such other committees and working groups as it considers necessary.

*Rule 52*
*Officers*

Except as otherwise provided in rule 7, each subsidiary body shall elect its own officers.

*Rule 53*
*Officers, conduct of business and voting*

The rules contained in chapters III, VII and VIII (except rule 36) above shall be applicable, *mutatis mutandis*, to the proceedings of subsidiary bodies, except that:

(a) The Chairman of the General Committee may exercise the right to vote; and

(b) Decisions shall be taken by a majority of the representatives present and voting, except that the reconsideration of a proposal shall require the majority established by rule 34.

## CHAPTER X

## Languages and records

*Rule 54*
*Languages of the Conference*

English, French and Spanish shall be the languages of the Conference.

*Rule 55*
*Interpretation*

1. Speeches made in a language of the Conference at meetings of the Conference or of the Committee of the Whole shall be interpreted into the other such languages.

2. A representative may speak in a language other than a language of the Conference if the delegation concerned provides for interpretation into one such language.

*Rule 56*
*Languages of official documents*

Official documents of the Conference shall be made available in the languages of the Conference.

*Rule 57*
*Sound recordings of meetings*

The secretariat shall make sound recordings of meetings of the Conference and the Committee of the Whole. Such recordings shall be made of meetings of other committees when the committee concerned so decides.

## CHAPTER XI

## Public and private meetings

*Rule 58*
*Plenary meetings and meetings of the Committee of the Whole*

The plenary meetings of the Conference and the meetings of the Committee of the Whole shall be held in public unless the body concerned decides otherwise. All decisions taken by the plenary of the Conference at a private meeting shall be announced at an early public meeting of the plenary.

*Rule 59*
*Meetings of other subsidiary bodies*

As a general rule, meetings of other subsidiary bodies shall be held in private.

## CHAPTER XII

## Amendments to the Rules of Procedure

*Rule 60*
*Method of amendment*

These Rules of Procedure may be amended by a decision of the Conference taken by a two-thirds majority of the representatives present and voting.

# Annex III

## LIST OF DOCUMENTS OF THE DIPLOMATIC CONFERENCE

**DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS**

30 May 2008

**DUBLIN 19-30 MAY 2008**

### Conference Documents

| Number | Title |
|---|---|
| CCM/1 | Draft Agenda |
| CCM/2 | Draft Rules of Procedure |
| CCM/3 | Draft Convention on Cluster Munitions |
| CCM/4 | Proposal by Ireland for the amendment of the Preamble |
| CCM/5 | Proposal by France for the amendment of the Preamble |
| CCM/6 | Proposal by the United Kingdom for the amendment of the Preamble |
| CCM/7 | Proposal by Lesotho for the amendment of the Preamble |
| CCM/8 | Proposal by Indonesia for the amendment of the Preamble |
| CCM/9 | Proposal by Mozambique for the amendment of the Preamble |
| CCM/10 | Proposal by Japan for the amendment of Article 1 |
| CCM/11 | Proposal by France for the amendment of Article 1 |
| CCM/12 | Proposal by Switzerland for the amendment of Article 1 |
| CCM/13 | Proposal by Germany, supported by Denmark, France, Italy, Slovakia, Spain, the Czech Republic and the United Kingdom, for the amendment of Article 1 |
| CCM/14 | Proposal by the United Kingdom for the amendment of Article 1 |
| CCM/15 | Proposal by Ireland for the amendment of Article 1 |
| CCM/16 | Proposal by France for the amendment of Article 1 |

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| CCM/17 | Comments by Australia, Canada, Denmark, Finland, France, Germany, Italy, Japan, the Netherlands and the United Kingdom concerning elements for Definitions |
| CCM/18 | Proposal by Japan for the amendment of Article 2 |
| CCM/19 | Proposal by Germany for the amendment of Article 2 |
| CCM/20 | Proposal by France for the amendment of Article 2 |
| CCM/21 | Proposal by Switzerland for the amendment of Article 2 |
| CCM/22 | Proposal by France and Germany for the amendment of Article 2 |
| CCM/23 | Proposal by the United Kingdom for the amendment of Article 2 |
| CCM/24 | Proposal by Peru for the amendment of Article 2 |
| CCM/25 | Proposal by Ireland for the amendment of Article 2 |
| CCM/26 | Proposal by Sweden for the amendment of Article 2 |
| CCM/27 | Proposal by Indonesia for the amendment of Article 2 |
| CCM/28 | Proposal by Australia, Denmark, Finland, France, Germany, Italy, Japan, Slovakia, Sweden, Switzerland and the United Kingdom for the amendment of Article 3 |
| CCM/29 | Proposal by United Kingdom for the amendment of Article 3 |
| CCM/30 | Proposal by Peru for the amendment of Article 3 |
| CCM/31 | Proposal by Ireland for the amendment of Article 4 |
| CCM/32 | Proposal by France and Germany for the amendment of Article 4 |
| CCM/33 | Proposal by the United Kingdom for the amendment of Article 4 |
| CCM/34 | Proposal by Italy for the amendment of Article 4 |
| CCM/35 | Proposal by Switzerland for the amendment of Article 5 |
| CCM/36 | Proposal by the United Kingdom for the amendment of Article 5 |
| CCM/37 | Proposal by Denmark, France, Germany and Sweden for the amendment of Article 6 |
| CCM/38 | Proposal by the United Kingdom for the amendment of Article 6 |
| CCM/39 | Proposal by Italy for the amendment of Article 6 |
| CCM/40 | Proposal by Australia, Denmark, France, Germany, Italy, Sweden, Switzerland and the United Kingdom for the amendment of Article 7 |
| CCM/41 | Proposal by the United Kingdom for the amendment of Article 7 |

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| CCM/42 | Proposal by the United Kingdom for the amendment of Article 8 |
| CCM/43 | Proposal by the United Kingdom for the amendment of Article 10 |
| CCM/44 | Proposal by the United Kingdom for the amendment of Article 14 |
| CCM/45 | Proposal by the United Kingdom for amendment of Article 17 |
| CCM/46 | Proposal by Germany for the amendment of Article 18 |
| CCM/47 | Proposal by France and Germany for additional text |
| CCM/48 | Proposal by Australia, Denmark, Finland, France, Germany, Italy, Japan, the Netherlands and the United Kingdom for additional text |
| CCM/48/Corr. | Proposal by Australia, Denmark, Finland, France, Germany, Italy, Japan, the Netherlands and the United Kingdom for additional text |
| CCM/49 | Proposal by Canada for additional text - *WITHDRAWN* |
| CCM/50 | Proposal by Switzerland for additional text |
| CCM/51 | Agenda |
| CCM/52 | Rules of Procedure |
| CCM/53 | Proposal by Indonesia for the amendment of the Preamble |
| CCM/54 | Proposal by Indonesia for the amendment of Article 1 |
| CCM/55 | Proposal by Lao PDR for the amendment of Article 4(7) |
| CCM/56 | Proposal by Philippines for additional text to Article 1 |
| CCM/57 | Proposal by Philippines for the amendment of Article 2 |
| CCM/58 | Proposal by Philippines for the amendment of Article 5 |
| CCM/59 | Proposal by Philippines for the amendment of Article 6 |
| CCM/60 | Proposal by Philippines for the amendment of Article 9 |
| CCM/61 | Proposal by Philippines for the amendment of Article 13 |
| CCM/62 | Proposal by Hungary for the amendment of the title to the Convention |
| CCM/63 | Proposal by Slovakia for the amendment of Article 1 |
| CCM/64 | Proposal by Slovakia for the amendment of Article 2 |
| CCM/65 | Proposal by Slovakia for the amendment of Article 3 |
| CCM/66 | Proposal by Slovakia for additional text (Article 18bis) |
| CCM/67 | Proposal by Spain for the amendment of Article 2f |

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| CCM/68 | Proposal by the Czech Republic for the amendment of Article 2 |
| CCM/69 | Proposal by Morocco, supported by Senegal and Mauritania, for the amendment of the Proposal by Germany, supported by Denmark, France, Italy, Slovakia, Spain, the Czech Republic and the United Kingdom for the amendment of Article 1 |
| CCM/70 | Proposal by Argentina, Ecuador, Guatemala, Uruguay, Dominican Republic, Mexico, Nicaragua, Panama, Peru, Costa Rica, Chile, Honduras, Zambia and Guinea for the amendment of Article 5 |
| CCM/71 | Proposal by Argentina, Costa Rica, Ecuador, Guatemala, Lebanon, Mexico, Palau and Uruguay for the amendment of Article 2 |
| CCM/72 | Proposal by Norway for the amendment of Article 2 |
| CCM/73 | Proposal by Norway for the amendment of Article 2 |
| CCM/74 | Proposal by Canada for the amendment of Article 2 |
| CCM/75 | Proposal by the United Kingdom for the amendment of Article 2 |
| CCM/76 | Proposal by Spain for the amendment of Article 2 |
| CCM/77 | Convention on Cluster Munitions |
| CCM/78 | Final Document |
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| CCM/PT/1 | Presidency Text – Article 11 |
| CCM/PT/2 | Presidency Text – Article 12 |
| CCM/PT/3 | Presidency Text – Article 13 |
| CCM/PT/4 | Presidency Text – Article 15 |
| CCM/PT/5 | Presidency Text – Article 16 |
| CCM/PT/6 | Presidency Text – Article 21 |
| CCM/PT/7 | Presidency Text – Article 22 |
| CCM/PT/8 | Presidency Text – Article 9 |
| CCM/PT/9 | Presidency Text – Article 10 |
| CCM/PT/10 | Presidency Text – Article 14 |
| CCM/PT/11 | Presidency Text – Article 20 |
| CCM/PT/12 | Presidency Text – Victim Assistance |
| CCM/PT/13 | Presidency Text – Article 3 |

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| CCM/PT/13/Corr | Presidency Text – Article 3 |
| CCM/PT/14 | Presidency Paper – draft Convention on Cluster Munitions |
| CCM/INF/1 | List of Delegates |
| CCM/CRP/1 | Paper by Ethiopia |
| CCM/CRP/2 | Statement by Iceland |
| CCM/SR/1 | Summary Records for the Plenary 19 May 2008, a.m. |
| CCM/SR/2 | Summary Records for the Plenary 19 May 2008, p.m. |
| CCM/SR/3 | Summary Records for the Plenary 28 May 2008, p.m. |
| CCM/SR/4 | Summary Records for the Plenary 30 May 2008, a.m. |
| CCM/CW/SR/1 | Summary Records for the Committee of the Whole, 19 May 2008, p.m. |
| CCM/CW/SR/2 | Summary Records for the Committee of the Whole 20 May 2008, a.m. |
| CCM/CW/SR/3 | Summary Records for the Committee of the Whole 20 May 2008, p.m. |
| CCM/CW/SR/4 | Summary Records for the Committee of the Whole 21 May 2008, a.m. |
| CCM/CW/SR/5 | Summary Records for the Committee of the Whole 21 May 2008, p.m. |
| CCM/CW/SR/6 | Summary Records for the Committee of the Whole 22 May 2008, a.m. |
| CCM/CW/SR/7 | Summary Records for the Committee of the Whole 22 May 2008, p.m. |
| CCM/CW/SR/8 | Summary Records for the Committee of the Whole 23 May 2008, a.m. |
| CCM/CW/SR/9 | Summary Records for the Committee of the Whole 23 May 2008, p.m. |
| CCM/CW/SR/10 | Summary Records for the Committee of the Whole 26 May 2008, a.m. |

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| CCM/CW/SR/11 | Summary Records for the Committee of the Whole 26 May 2008, p.m. |
| CCM/CW/SR/12 | Summary Records for the Committee of the Whole 27 May 2008, a.m. |
| CCM/CW/SR/13 | Summary Records for the Committee of the Whole 27 May 2008, p.m. |
| CCM/CW/SR/14 | Summary Records for the Committee of the Whole 27 May 2008, p.m. |
| CCM/CW/SR/15 | Summary Records for the Committee of the Whole 28 May 2008, a.m. |
| CCM/CW/SR/16 | Summary Records for the Committee of the Whole 28 May 2008, p.m. |

The above documents are available in the Archives of the Government of Ireland and at: http://www.clustermunitionsdublin.ie.

# Annex IV

## DOCUMENTS OF THE DIPLOMATIC CONFERENCE
(not otherwise reproduced elsewhere in the Final Document)

Annex IV is not issued as a bound document as the conference documents are available at the archives of the Department of Foreign Affairs of Ireland and through the website of the Diplomatic Conference at http://www.clustermunitionsdublin.ie/documents.asp

# Annex V

## LIST OF DELEGATES

Annex V is not issued as a bound document as the List of Delegates (CCM/INF/1) is available at the archives of the Department of Foreign Affairs of Ireland and through the website of the Diplomatic Conference at http://www.clustermunitionsdublin.ie/documents.asp

# PART II

## CONVENTION ON CLUSTER MUNITIONS

**DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS**

CCM/77

30 May 2008
Original: ENGLISH
FRENCH
SPANISH

**DUBLIN 19-30 MAY 2008**

### Convention on Cluster Munitions

The States Parties to this Convention,

*Deeply concerned* that civilian populations and individual civilians continue to bear the brunt of armed conflict,

*Determined* to put an end for all time to the suffering and casualties caused by cluster munitions at the time of their use, when they fail to function as intended or when they are abandoned,

*Concerned* that cluster munition remnants kill or maim civilians, including women and children, obstruct economic and social development, including through the loss of livelihood, impede post-conflict rehabilitation and reconstruction, delay or prevent the return of refugees and internally displaced persons, can negatively impact on national and international peace-building and humanitarian assistance efforts, and have other severe consequences that can persist for many years after use,

*Deeply concerned* also at the dangers presented by the large national stockpiles of cluster munitions retained for operational use and *determined* to ensure their rapid destruction,

*Believing* it necessary to contribute effectively in an efficient, coordinated manner to resolving the challenge of removing cluster munition remnants located throughout the world, and to ensure their destruction,

*Determined* also to ensure the full realisation of the rights of all cluster munition victims and *recognising* their inherent dignity,

*Resolved* to do their utmost in providing assistance to cluster munition victims, including medical care, rehabilitation and psychological support, as well as providing for their social and economic inclusion,

*Recognising* the need to provide age- and gender-sensitive assistance to cluster munition victims and to address the special needs of vulnerable groups,

*Bearing in mind* the Convention on the Rights of Persons with Disabilities which, *inter alia*, requires that States Parties to that Convention undertake to ensure and promote the full realisation of all human rights and fundamental freedoms of all persons with disabilities without discrimination of any kind on the basis of disability,

*Mindful* of the need to coordinate adequately efforts undertaken in various fora to address the rights and needs of victims of various types of weapons, and *resolved* to avoid discrimination among victims of various types of weapons,

*Reaffirming* that in cases not covered by this Convention or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law, derived from established custom, from the principles of humanity and from the dictates of public conscience,

*Resolved* also that armed groups distinct from the armed forces of a State shall not, under any circumstances, be permitted to engage in any activity prohibited to a State Party to this Convention,

*Welcoming* the very broad international support for the international norm prohibiting anti-personnel mines, enshrined in the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction,

*Welcoming* also the adoption of the Protocol on Explosive Remnants of War, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, and its entry into force on 12 November 2006, and *wishing* to enhance the protection of civilians from the effects of cluster munition remnants in post-conflict environments,

*Bearing in mind* also United Nations Security Council Resolution 1325 on women, peace and security and United Nations Security Council Resolution 1612 on children in armed conflict,

*Welcoming* further the steps taken nationally, regionally and globally in recent years aimed at prohibiting, restricting or suspending the use, stockpiling, production and transfer of cluster munitions,

*Stressing* the role of public conscience in furthering the principles of humanity as evidenced by the global call for an end to civilian suffering caused by cluster munitions and *recognising* the

efforts to that end undertaken by the United Nations, the International Committee of the Red Cross, the Cluster Munition Coalition and numerous other non-governmental organisations around the world,

*Reaffirming* the Declaration of the Oslo Conference on Cluster Munitions, by which, *inter alia*, States recognised the grave consequences caused by the use of cluster munitions and committed themselves to conclude by 2008 a legally binding instrument that would prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and would establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation for victims, clearance of contaminated areas, risk reduction education and destruction of stockpiles,

*Emphasising* the desirability of attracting the adherence of all States to this Convention, and *determined* to work strenuously towards the promotion of its universalisation and its full implementation,

*Basing* themselves on the principles and rules of international humanitarian law, in particular the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited, and the rules that the parties to a conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly direct their operations against military objectives only, that in the conduct of military operations constant care shall be taken to spare the civilian population, civilians and civilian objects and that the civilian population and individual civilians enjoy general protection against dangers arising from military operations,

**HAVE AGREED** as follows:

Article 1
*General obligations and scope of application*

1. Each State Party undertakes never under any circumstances to:

(a) Use cluster munitions;

(b) Develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions;

(c) Assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention.

2. Paragraph 1 of this Article applies, *mutatis mutandis*, to explosive bomblets that are specifically designed to be dispersed or released from dispensers affixed to aircraft.

3. This Convention does not apply to mines.

## Article 2
*Definitions*

For the purposes of this Convention:

1. **"Cluster munition victims"** means all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalisation or substantial impairment of the realisation of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities;

2. **"Cluster munition"** means a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions. It does not mean the following:

   (a) A munition or submunition designed to dispense flares, smoke, pyrotechnics or chaff; or a munition designed exclusively for an air defence role;

   (b) A munition or submunition designed to produce electrical or electronic effects;

   (c) A munition that, in order to avoid indiscriminate area effects and the risks posed by unexploded submunitions, has all of the following characteristics:

      (i) Each munition contains fewer than ten explosive submunitions;

      (ii) Each explosive submunition weighs more than four kilograms;

      (iii) Each explosive submunition is designed to detect and engage a single target object;

      (iv) Each explosive submunition is equipped with an electronic self-destruction mechanism;

      (v) Each explosive submunition is equipped with an electronic self-deactivating feature;

3. **"Explosive submunition"** means a conventional munition that in order to perform its task is dispersed or released by a cluster munition and is designed to function by detonating an explosive charge prior to, on or after impact;

4. **"Failed cluster munition"** means a cluster munition that has been fired, dropped, launched, projected or otherwise delivered and which should have dispersed or released its explosive submunitions but failed to do so;

5. **"Unexploded submunition"** means an explosive submunition that has been dispersed or released by, or otherwise separated from, a cluster munition and has failed to explode as intended;

6. **"Abandoned cluster munitions"** means cluster munitions or explosive submunitions that have not been used and that have been left behind or dumped, and that are no longer under the control of the party that left them behind or dumped them. They may or may not have been prepared for use;

7. **"Cluster munition remnants"** means failed cluster munitions, abandoned cluster munitions, unexploded submunitions and unexploded bomblets;

8. **"Transfer"** involves, in addition to the physical movement of cluster munitions into or from national territory, the transfer of title to and control over cluster munitions, but does not involve the transfer of territory containing cluster munition remnants;

9. **"Self-destruction mechanism"** means an incorporated automatically-functioning mechanism which is in addition to the primary initiating mechanism of the munition and which secures the destruction of the munition into which it is incorporated;

10. **"Self-deactivating"** means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example a battery, that is essential to the operation of the munition;

11. **"Cluster munition contaminated area"** means an area known or suspected to contain cluster munition remnants;

12. **"Mine"** means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle;

13. **"Explosive bomblet"** means a conventional munition, weighing less than 20 kilograms, which is not self-propelled and which, in order to perform its task, is dispersed or released by a dispenser, and is designed to function by detonating an explosive charge prior to, on or after impact;

14. **"Dispenser"** means a container that is designed to disperse or release explosive bomblets and which is affixed to an aircraft at the time of dispersal or release;

15. **"Unexploded bomblet"** means an explosive bomblet that has been dispersed, released or otherwise separated from a dispenser and has failed to explode as intended.

## Article 3
### *Storage and stockpile destruction*

1. Each State Party shall, in accordance with national regulations, separate all cluster munitions under its jurisdiction and control from munitions retained for operational use and mark them for the purpose of destruction.

2. Each State Party undertakes to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article as soon as possible but not later than eight years after the entry into force of this Convention for that State Party. Each State Party undertakes to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.

3. If a State Party believes that it will be unable to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article within eight years of entry into force of this Convention for that State Party it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the destruction of such cluster munitions by a period of up to four years. A State Party may, in exceptional circumstances, request additional extensions of up to four years. The requested extensions shall not exceed the number of years strictly necessary for that State Party to complete its obligations under paragraph 2 of this Article.

4. Each request for an extension shall set out:

(a) The duration of the proposed extension;

(b) A detailed explanation of the proposed extension, including the financial and technical means available to or required by the State Party for the destruction of all cluster munitions referred to in paragraph 1 of this Article and, where applicable, the exceptional circumstances justifying it;

(c) A plan for how and when stockpile destruction will be completed;

(d) The quantity and type of cluster munitions and explosive submunitions held at the entry into force of this Convention for that State Party and any additional cluster munitions or explosive submunitions discovered after such entry into force;

(e) The quantity and type of cluster munitions and explosive submunitions destroyed during the period referred to in paragraph 2 of this Article; and

(f) The quantity and type of cluster munitions and explosive submunitions remaining to be destroyed during the proposed extension and the annual destruction rate expected to be achieved.

5. The Meeting of States Parties or the Review Conference shall, taking into consideration the factors referred to in paragraph 4 of this Article, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension. The States Parties may decide to grant a shorter extension than that requested and may propose benchmarks for the extension, as appropriate. A request for an extension shall be submitted a minimum of nine months prior to the Meeting of States Parties or the Review Conference at which it is to be considered.

6. Notwithstanding the provisions of Article 1 of this Convention, the retention or acquisition of a limited number of cluster munitions and explosive submunitions for the development of and training in cluster munition and explosive submunition detection, clearance or destruction techniques, or for the development of cluster munition counter-measures, is permitted. The amount of explosive submunitions retained or acquired shall not exceed the minimum number absolutely necessary for these purposes.

7. Notwithstanding the provisions of Article 1 of this Convention, the transfer of cluster munitions to another State Party for the purpose of destruction, as well as for the purposes described in paragraph 6 of this Article, is permitted.

8. States Parties retaining, acquiring or transferring cluster munitions or explosive submunitions for the purposes described in paragraphs 6 and 7 of this Article shall submit a detailed report on the planned and actual use of these cluster munitions and explosive submunitions and their type, quantity and lot numbers. If cluster munitions or explosive submunitions are transferred to another State Party for these purposes, the report shall include reference to the receiving party. Such a report shall be prepared for each year during which a State Party retained, acquired or transferred cluster munitions or explosive submunitions and shall be submitted to the Secretary-General of the United Nations no later than 30 April of the following year.

## Article 4

*Clearance and destruction of cluster munition remnants and risk reduction education*

1. Each State Party undertakes to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in cluster munition contaminated areas under its jurisdiction or control, as follows:

(a) Where cluster munition remnants are located in areas under its jurisdiction or control at the date of entry into force of this Convention for that State Party, such clearance and destruction shall be completed as soon as possible but not later than ten years from that date;

(b) Where, after entry into force of this Convention for that State Party, cluster munitions have become cluster munition remnants located in areas under its jurisdiction or control, such clearance and destruction must be completed as soon as possible but not later than ten years after the end of the active hostilities during which such cluster munitions became cluster munition remnants; and

(c) Upon fulfilling either of its obligations set out in sub-paragraphs (a) and (b) of this paragraph, that State Party shall make a declaration of compliance to the next Meeting of States Parties.

2. In fulfilling its obligations under paragraph 1 of this Article, each State Party shall take the following measures as soon as possible, taking into consideration the provisions of Article 6 of this Convention regarding international cooperation and assistance:

(a) Survey, assess and record the threat posed by cluster munition remnants, making every effort to identify all cluster munition contaminated areas under its jurisdiction or control;

(b) Assess and prioritise needs in terms of marking, protection of civilians, clearance and destruction, and take steps to mobilise resources and develop a national plan to carry out these activities, building, where appropriate, upon existing structures, experiences and methodologies;

(c) Take all feasible steps to ensure that all cluster munition contaminated areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians. Warning signs based on methods of marking readily recognisable by the affected community should be utilised in the marking of suspected hazardous areas. Signs and other hazardous area boundary markers should, as far as possible, be visible, legible, durable and resistant to environmental effects and should clearly identify which side of the marked boundary is considered to be within the cluster munition contaminated areas and which side is considered to be safe;

(d) Clear and destroy all cluster munition remnants located in areas under its jurisdiction or control; and

(e) Conduct risk reduction education to ensure awareness among civilians living in or around cluster munition contaminated areas of the risks posed by such remnants.

3. In conducting the activities referred to in paragraph 2 of this Article, each State Party shall take into account international standards, including the International Mine Action Standards (IMAS).

4. This paragraph shall apply in cases in which cluster munitions have been used or abandoned by one State Party prior to entry into force of this Convention for that State Party and have become cluster munition remnants that are located in areas under the jurisdiction or control of another State Party at the time of entry into force of this Convention for the latter.

(a) In such cases, upon entry into force of this Convention for both States Parties, the former State Party is strongly encouraged to provide, *inter alia*, technical, financial, material or human resources assistance to the latter State Party, either bilaterally or through a mutually agreed third party, including through the United Nations system or other relevant organisations, to facilitate the marking, clearance and destruction of such cluster munition remnants.

(b) Such assistance shall include, where available, information on types and quantities of the cluster munitions used, precise locations of cluster munition strikes and areas in which cluster munition remnants are known to be located.

5. If a State Party believes that it will be unable to clear and destroy or ensure the clearance and destruction of all cluster munition remnants referred to in paragraph 1 of this Article within ten years of the entry into force of this Convention for that State Party, it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the clearance and destruction of such cluster munition remnants by a period of up to five years. The requested extension shall not exceed the number of years strictly necessary for that State Party to complete its obligations under paragraph 1 of this Article.

6. A request for an extension shall be submitted to a Meeting of States Parties or a Review Conference prior to the expiry of the time period referred to in paragraph 1 of this Article for that State Party. Each request shall be submitted a minimum of nine months prior to the Meeting of States Parties or Review Conference at which it is to be considered. Each request shall set out:

(a) The duration of the proposed extension;

(b) A detailed explanation of the reasons for the proposed extension, including the financial and technical means available to and required by the State Party for the clearance and destruction of all cluster munition remnants during the proposed extension;

(c) The preparation of future work and the status of work already conducted under national clearance and demining programmes during the initial ten year period referred to in paragraph 1 of this Article and any subsequent extensions;

(d) The total area containing cluster munition remnants at the time of entry into force of this Convention for that State Party and any additional areas containing cluster munition remnants discovered after such entry into force;

(e) The total area containing cluster munition remnants cleared since entry into force of this Convention;

(f) The total area containing cluster munition remnants remaining to be cleared during the proposed extension;

(g) The circumstances that have impeded the ability of the State Party to destroy all cluster munition remnants located in areas under its jurisdiction or control during the initial ten year period referred to in paragraph 1 of this Article, and those that may impede this ability during the proposed extension;

(h) The humanitarian, social, economic and environmental implications of the proposed extension; and

(i) Any other information relevant to the request for the proposed extension.

7. The Meeting of States Parties or the Review Conference shall, taking into consideration the factors referred to in paragraph 6 of this Article, including, *inter alia*, the quantities of cluster munition remnants reported, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension. The States Parties may decide to grant a shorter extension than that requested and may propose benchmarks for the extension, as appropriate.

8. Such an extension may be renewed by a period of up to five years upon the submission of a new request, in accordance with paragraphs 5, 6 and 7 of this Article. In requesting a further extension a State Party shall submit relevant additional information on what has been undertaken during the previous extension granted pursuant to this Article.

## Article 5
### *Victim assistance*

1. Each State Party with respect to cluster munition victims in areas under its jurisdiction or control shall, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion. Each State Party shall make every effort to collect reliable relevant data with respect to cluster munition victims.

2. In fulfilling its obligations under paragraph 1 of this Article each State Party shall:

(a) Assess the needs of cluster munition victims;

(b) Develop, implement and enforce any necessary national laws and policies;

(c) Develop a national plan and budget, including timeframes to carry out these activities, with a view to incorporating them within the existing national disability, development and human rights frameworks and mechanisms, while respecting the specific role and contribution of relevant actors;

(d) Take steps to mobilise national and international resources;

(e) Not discriminate against or among cluster munition victims, or between cluster munition victims and those who have suffered injuries or disabilities from other causes; differences in treatment should be based only on medical, rehabilitative, psychological or socio-economic needs;

(f) Closely consult with and actively involve cluster munition victims and their representative organisations;

(g) Designate a focal point within the government for coordination of matters relating to the implementation of this Article; and

(h) Strive to incorporate relevant guidelines and good practices including in the areas of medical care, rehabilitation and psychological support, as well as social and economic inclusion.

Article 6

*International cooperation and assistance*

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance.

2. Each State Party in a position to do so shall provide technical, material and financial assistance to States Parties affected by cluster munitions, aimed at the implementation of the obligations of this Convention. Such assistance may be provided, *inter alia*, through the United Nations system, international, regional or national organisations or institutions, non-governmental organisations or institutions, or on a bilateral basis.

3. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision and receipt of clearance and other such equipment and related technological information for humanitarian purposes.

4. In addition to any obligations it may have pursuant to paragraph 4 of Article 4 of this Convention, each State Party in a position to do so shall provide assistance for clearance and destruction of cluster munition remnants and information concerning various means and technologies related to clearance of cluster munitions, as well as lists of experts, expert agencies or national points of contact on clearance and destruction of cluster munition remnants and related activities.

5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled cluster munitions, and shall also provide assistance to identify, assess and prioritise needs and practical measures in terms of marking, risk reduction education, protection of civilians and clearance and destruction as provided in Article 4 of this Convention.

6. Where, after entry into force of this Convention, cluster munitions have become cluster munition remnants located in areas under the jurisdiction or control of a State Party, each State Party in a position to do so shall urgently provide emergency assistance to the affected State Party.

7. Each State Party in a position to do so shall provide assistance for the implementation of the obligations referred to in Article 5 of this Convention to adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims. Such assistance may be provided, *inter alia*, through the United Nations system, international, regional or national organisations or

institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent Societies and their International Federation, non-governmental organisations or on a bilateral basis.

8. Each State Party in a position to do so shall provide assistance to contribute to the economic and social recovery needed as a result of cluster munition use in affected States Parties.

9. Each State Party in a position to do so may contribute to relevant trust funds in order to facilitate the provision of assistance under this Article.

10. Each State Party that seeks and receives assistance shall take all appropriate measures in order to facilitate the timely and effective implementation of this Convention, including facilitation of the entry and exit of personnel, materiel and equipment, in a manner consistent with national laws and regulations, taking into consideration international best practices.

11. Each State Party may, with the purpose of developing a national action plan, request the United Nations system, regional organisations, other States Parties or other competent intergovernmental or non-governmental institutions to assist its authorities to determine, *inter alia*:

(a) The nature and extent of cluster munition remnants located in areas under its jurisdiction or control;

(b) The financial, technological and human resources required for the implementation of the plan;

(c) The time estimated as necessary to clear and destroy all cluster munition remnants located in areas under its jurisdiction or control;

(d) Risk reduction education programmes and awareness activities to reduce the incidence of injuries or deaths caused by cluster munition remnants;

(e) Assistance to cluster munition victims; and

(f) The coordination relationship between the government of the State Party concerned and the relevant governmental, intergovernmental or non-governmental entities that will work in the implementation of the plan.

12. States Parties giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programmes.

## Article 7
### *Transparency measures*

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party, on:

(a) The national implementation measures referred to in Article 9 of this Convention;

(b) The total of all cluster munitions, including explosive submunitions, referred to in paragraph 1 of Article 3 of this Convention, to include a breakdown of their type, quantity and, if possible, lot numbers of each type;

(c) The technical characteristics of each type of cluster munition produced by that State Party prior to entry into force of this Convention for it, to the extent known, and those currently owned or possessed by it, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of cluster munitions; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information that may facilitate the clearance of cluster munition remnants;

(d) The status and progress of programmes for the conversion or decommissioning of production facilities for cluster munitions;

(e) The status and progress of programmes for the destruction, in accordance with Article 3 of this Convention, of cluster munitions, including explosive submunitions, with details of the methods that will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;

(f) The types and quantities of cluster munitions, including explosive submunitions, destroyed in accordance with Article 3 of this Convention, including details of the methods of destruction used, the location of the destruction sites and the applicable safety and environmental standards observed;

(g) Stockpiles of cluster munitions, including explosive submunitions, discovered after reported completion of the programme referred to in sub-paragraph (e) of this paragraph, and plans for their destruction in accordance with Article 3 of this Convention;

(h) To the extent possible, the size and location of all cluster munition contaminated areas under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of cluster munition remnant in each such area and when they were used;

(i) The status and progress of programmes for the clearance and destruction of all types and quantities of cluster munition remnants cleared and destroyed in accordance with Article 4 of this Convention, to include the size and location of the cluster munition contaminated area cleared and a breakdown of the quantity of each type of cluster munition remnant cleared and destroyed;

(j) The measures taken to provide risk reduction education and, in particular, an immediate and effective warning to civilians living in cluster munition contaminated areas under its jurisdiction or control;

(k) The status and progress of implementation of its obligations under Article 5 of this Convention to adequately provide age- and gender-sensitive assistance,

including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims and to collect reliable relevant data with respect to cluster munition victims;

(l) The name and contact details of the institutions mandated to provide information and to carry out the measures described in this paragraph;

(m) The amount of national resources, including financial, material or in kind, allocated to the implementation of Articles 3, 4 and 5 of this Convention; and

(n) The amounts, types and destinations of international cooperation and assistance provided under Article 6 of this Convention.

2. The information provided in accordance with paragraph 1 of this Article shall be updated by the States Parties annually, covering the previous calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.

3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

## Article 8
### *Facilitation and clarification of compliance*

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.

2. If one or more States Parties wish to clarify and seek to resolve questions relating to a matter of compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information that would assist in clarifying the matter.

3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.

4. Pending the convening of any Meeting of States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.

5. Where a matter has been submitted to it pursuant to paragraph 3 of this Article, the Meeting of States Parties shall first determine whether to consider that matter further, taking into account all information submitted by the States Parties concerned. If it does so determine, the Meeting of States Parties may suggest to the States Parties concerned ways and means further to clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6 of this Convention.

6. In addition to the procedures provided for in paragraphs 2 to 5 of this Article, the Meeting of States Parties may decide to adopt such other general procedures or specific mechanisms for clarification of compliance, including facts, and resolution of instances of non-compliance with the provisions of this Convention as it deems appropriate.

## Article 9
*National implementation measures*

Each State Party shall take all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

## Article 10
*Settlement of disputes*

1. When a dispute arises between two or more States Parties relating to the interpretation or application of this Convention, the States Parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of their choice, including recourse to the Meeting of States Parties and referral to the International Court of Justice in conformity with the Statute of the Court.

2. The Meeting of States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties concerned to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.

## Article 11
*Meetings of States Parties*

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Convention, including:

(a) The operation and status of this Convention;

(b) Matters arising from the reports submitted under the provisions of this Convention;

(c) International cooperation and assistance in accordance with Article 6 of this Convention;

(d) The development of technologies to clear cluster munition remnants;

(e) Submissions of States Parties under Articles 8 and 10 of this Convention; and

(f) Submissions of States Parties as provided for in Articles 3 and 4 of this Convention.

2. The first Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.

3. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend these meetings as observers in accordance with the agreed rules of procedure.

## Article 12
*Review Conferences*

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.

2. The purpose of the Review Conference shall be:

(a) To review the operation and status of this Convention;

(b) To consider the need for and the interval between further Meetings of States Parties referred to in paragraph 2 of Article 11 of this Convention; and

(c) To take decisions on submissions of States Parties as provided for in Articles 3 and 4 of this Convention.

3. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Review Conference as observers in accordance with the agreed rules of procedure.

## Article 13
*Amendments*

1. At any time after its entry into force any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Secretary-General of the United Nations, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Secretary-General of the United Nations no later than 90 days after its circulation that they support further consideration of the proposal, the Secretary-General of the United Nations shall convene an Amendment Conference to which all States Parties shall be invited.

2. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Amendment Conference as observers in accordance with the agreed rules of procedure.

3. The Amendment Conference shall be held immediately following a Meeting of States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.

4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to all States.

5. An amendment to this Convention shall enter into force for States Parties that have accepted the amendment on the date of deposit of acceptances by a majority of the States which were Parties at the date of adoption of the amendment. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article 14
*Costs and administrative tasks*

1. The costs of the Meetings of States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not party to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.

2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 of this Convention shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

3. The performance by the Secretary-General of the United Nations of administrative tasks assigned to him or her under this Convention is subject to an appropriate United Nations mandate.

Article 15
*Signature*

This Convention, done at Dublin on 30 May 2008, shall be open for signature at Oslo by all States on 3 December 2008 and thereafter at United Nations Headquarters in New York until its entry into force.

Article 16
*Ratification, acceptance, approval or accession*

1. This Convention is subject to ratification, acceptance or approval by the Signatories.

2. It shall be open for accession by any State that has not signed the Convention.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 17
*Entry into force*

1. This Convention shall enter into force on the first day of the sixth month after the month in which the thirtieth instrument of ratification, acceptance, approval or accession has been deposited.

2. For any State that deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the

date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

Article 18
*Provisional application*

Any State may, at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally Article 1 of this Convention pending its entry into force for that State.

Article 19
*Reservations*

The Articles of this Convention shall not be subject to reservations.

Article 20
*Duration and withdrawal*

1. This Convention shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating withdrawal.

3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.

Article 21
*Relations with States not party to this Convention*

1. Each State Party shall encourage States not party to this Convention to ratify, accept, approve or accede to this Convention, with the goal of attracting the adherence of all States to this Convention.

2. Each State Party shall notify the governments of all States not party to this Convention, referred to in paragraph 3 of this Article, of its obligations under this Convention, shall promote the norms it establishes and shall make its best efforts to discourage States not party to this Convention from using cluster munitions.

3. Notwithstanding the provisions of Article 1 of this Convention and in accordance with international law, States Parties, their military personnel or nationals, may engage in military

cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party.

4. Nothing in paragraph 3 of this Article shall authorise a State Party:

(a) To develop, produce or otherwise acquire cluster munitions;

(b) To itself stockpile or transfer cluster munitions;

(c) To itself use cluster munitions; or

(d) To expressly request the use of cluster munitions in cases where the choice of munitions used is within its exclusive control.

Article 22
*Depositary*

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

Article 23
*Authentic texts*

The Arabic, Chinese, English, French, Russian and Spanish texts of this Convention shall be equally authentic.

# PART III

## SUMMARY RECORDS OF THE PUBLIC MEETINGS OF THE DIPLOMATIC CONFERENCE

Part III is not issued as a bound document as all summary records are available at the archives of the Department of Foreign Affairs of Ireland and through the website of the Diplomatic Conference at http://www.clustermunitionsdublin.ie